

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SETH AMOS NELSON,

Defendant.

**CR-07-139-GF-BMM-JTJ**

**ORDER**

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on September 3, 2019. (Doc. 125.) The United States alleged that Seth Nelson (Nelson) violated his conditions of supervised release: (1) by failing to report for substance abuse testing; (2) by using methamphetamine and amphetamine; (3) by failing to notify his probation officer of a contact with law enforcement; (4) by failing to report for substance abuse treatment; and (5) by committing another crime. (Doc. 124 at 2-5.)

Judge Johnston entered Findings and Recommendations in this matter on September 4, 2019. (Doc. 126.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will

review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Nelson's supervised release. Judge Johnston has recommended that the Court revoke Nelson's supervised release and commit Nelson to the custody of the Bureau of Prisons for 2 months, with 70 months of supervised release to follow. (Doc. 126 at 5.) Judge Johnston has recommended that Nelson should receive credit for time served. (*Id.*) Judge Johnston further recommended that Nelson should serve the first 60 days of supervised release at an inpatient chemical dependency treatment center designated by the United States Probation Office. (*Id.*) Finally, Judge Johnston recommended Special Condition 1 be amended to require Nelson to participate in up to 365 urinalysis tests, 365 breath tests, and 25 sweat patch tests annually during the period of supervision. (*Id.*)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Nelson's violations of his conditions represent a serious breach of the Court's trust. A sentence of 2 months custody, followed by 70 months supervised release, represents a sufficient, but not greater than necessary sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 126) are ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that Defendant Seth Amos Nelson be sentenced to custody for 2 months, followed by 70 months of supervised release, with credit for time served. It is ordered that Nelson should serve the first 60 days of supervised release at an inpatient chemical dependency treatment center designated by the United States Probation Office. It is also ordered that Special Condition 1 be amended to require Nelson to participate in up to 365 urinalysis tests, 365 breath tests, and 25 sweat patch tests annually during the period of supervision.

DATED this 24th day of September, 2019.



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Brian Morris  
United States District Court Judge